

The Mayor and Council of Hurlock

POST OFFICE BOX 327

HURLOCK, MARYLAND 21643

410-943-4181

FAX 410-943-8556

E-MAIL: townofhurlock@townofhurlock.org

JOYCE A. SPRATT
MAYOR
JOHN H. AVERY
CLERK / TREASURER

COUNCIL MEMBERS
CHRISTOPHER J. ADAMS
CHARLES T. CEPHAS, SR.
PARKER J. DURHAM
GARY L. HENRY
MICHAEL D. NORDSTROM

TOWN OF HURLOCK MINUTES OPEN SESSION MEETING JULY 22, 2013 6:00 P.M.

Mayor Spratt called the meeting to order. Following the Pledge of Allegiance, Reverend Paul Bovankovich gave the opening prayer. The roll call was then taken. Those in attendance were: Councilmembers Durham, Cephas, Nordstrom, Adams and Henry. Also in attendance were: Mayor Spratt, Attorney Robert Merriken, and Clerk Avery.

The Agenda was approved with a motion from Councilman Nordstrom, seconded by Councilman Adams and with no discussion, passed with a vote of 5-0.

The Minutes of the Open Session Meeting on July 8, 2013 were approved with a motion from Councilman Durham and a second from Councilman Henry. With no discussion, the motion was approved with a vote of 5-0.

Clean Water Presentation – Beth Ann Lynch was in attendance representing the Dorchester Citizens for Planned Growth. Ms. Lynch stated the organization works with the Nanticoke Watershed Alliance to monitor waterways in the county and has been doing this for the past 5 years. A bulletin had been compiled and presented along with a power point presentation. Ms. Lynch, along with co-worker Roman Jensen, proceeded to share the results of water testing. Issues on the forefront included water quality, pollution diet, what is being done relative to the Chesapeake Bay and what is happening on our land and how it relates to our water. In the last 5 years it has been found that Dorchester County has the poorest water quality in the Nanticoke Watershed. The oxygen, clarity, nutrients, nitrous, and phosphorus are indications of pollution from animals or humans. There are 5 stations that are monitored every 2 weeks in Dorchester County; there are field and laboratory analysis tests conducted in Delaware and Maryland. Sample stations include: Chicamacomico, Transquaking, Cambridge Creek and Little Blackwater. The rendering plant in Linkwood may be contributing to the high nitrogen in the Transquaking River. Some farmers are not following the monitoring plan as well as they

should be. The organization is looking for volunteers to help sample water. Better stormwater management is needed and there is still much trash on the roads. More buffers and cover crops are needed. In essence, water quality problems have been identified in Dorchester County and everyone including; farmers, developers, landowners, business owners, watermen, and municipalities need to work together to make a concentrated effort to restore waters of the Chesapeake Bay. Mr. Jensen thanked the Town for the opportunity to speak and stated he would be happy to entertain any questions. Ms. Lynch mentioned there is a new lawn fertilizer law coming into effect in October, and the homeowner needs to do as much as possible to reduce the impact on the Bay and the waterways. Jack Lewis asked how the drinking water is. Mr. Jensen replied that drinking water is not tested by their organization. That is tested by the municipalities and as far as he knows it is okay.

Mayor's Report – Mayor Spratt announced that Amick broke ground last week for a 16 million dollar expansion. There were questions as to why there was not a ground breaking ceremony. The answer to that is that Amick is not that type of company. They just want to get the expansion completed. The sign for the office is in and now it is a matter of installing it. At the last meeting there was talk about Reverend Jeff Phillips and his church working on doing something for the young people in the Town. This has been combined with the Maryland Governor's Day and will be held on September 21st. The Town will be working with Reverend Phillips to hold this activity on the school property, and the children will be able to be involved. Volunteers will be needed to work that day.

County Councilman Rick Price Report – Councilman Price was unable to attend the meeting, but Mayor Spratt said she and Councilman Price had a discussion regarding the recycling bins. Some Town citizens had expressed that the bins were in bad shape. These belong to the County and they cost approximately \$6,000.00 to replace. The County has agreed to paint them. Mayor Spratt read a letter from Councilman Price stating the following: some of the highlights of the most recent County Council meeting include a planning & zoning proposal of construction of a standard solar energy project on a County owned site in an effort to reduce some of the major energy costs. There are five possible locations being looked at. The County Council approved a request from public works to sole source for a vendor to service HVAC in the courthouse. The Council approved a contract with GCI Environmental Services for a monitoring plan of the sediment at Beulah Landfill to comply with standards of Maryland Department of the Environment. Councilman Price and some of the other Councilmembers met with representatives of the Maryland Association of Counties. The topics included the many unfunded mandates from the State, discussion of public opinions of the increases to the fuel tax, bridge tolls and the creation of the rain tax. The next County Council meeting will be August 6, 2013 at 6:00 p.m.

Department Reports - Police Chief Les Hutton had an update on the wild dog situation discussed at the last meeting. The Hurlock police have been working with Dorchester County Dog Control, have met with owners, and are working to alleviate that problem. There was an incident at the Laundromat on Legion Drive in which someone broke into the rear of the building and stole a small amount of coins. Following investigation arrests

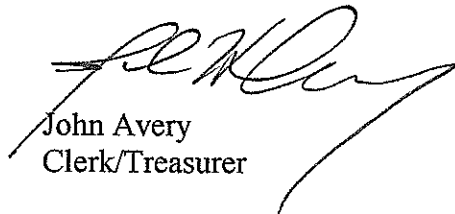
have been made.

Old Business - Councilman Durham wanted clarification on the substantial bills charged to the Town last month for legal fees. Councilman Durham wanted to make sure it was clear to everyone that all communications regarding legal matters should go through Clerk Avery's office. Councilman Cephas felt that a Councilmember should not have to go through the Town Clerk to ask a legal question of Town Counsel. Councilman Adams stated he felt the Council should at least have an opportunity to make house rules. He did not remember having a discussion to go through the clerk. Councilman Durham said the reason for going through Clerk Avery is that legal fees would be 5 times as much and that in taking the questions to the Clerk would alleviate the high bills. If Clerk Avery cannot give an answer, he, then can go to legal counsel and obtain an answer. Councilman Cephas stated he has not been able to see the contract between the Town and Cowdrey Thompson. Councilman Cephas made a motion that the Council should be able to go to the Town attorney without going through the Town Clerk. Councilman Adams seconded the motion. Councilman Durham said it is the Clerk's responsibility to inform the Council and all information should be channeled through the Town Clerk. Councilman Cephas felt that Mr. Avery does not have the time for all that. He encouraged everyone to read the Charter and understand it. Councilman Adams stated there has been legal advice that has not gone through the Council and they have not been made aware of it. Councilman Nordstrom recommended that the Council table this discussion until they can see a copy of the contract that was prepared when the current legal counsel was hired. Councilman Cephas agreed to table the motion. Councilman Cephas stated he would continue to make sure the Town attorney has copies of all correspondence.

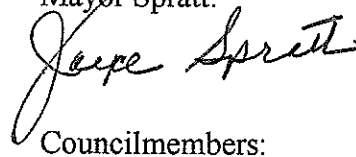
New Business - A discussion on the Ethics Ordinance was held. Mr. Merriken stated he received an inquiry from Clerk Avery regarding one councilmember being asked to submit a financial statement and the other 4 were not asked. Clerk Avery and Mr. Merriken researched and found that Ethics Ordinance 1985-2 was used for the last election and was still in place. They believed that the Mayor and Council had obtained a partial exemption from the State Ethics Law. The Town had submitted a proposed Ethics Ordinance in response to a new Statute passed by the State. The Ethics Commission approved that Ordinance, but Clerk Avery could not find where the Ordinance was ever enacted. Mr. Merriken found there were blanks and errors. He then e-mailed the contact person and asked if the Ordinance needed to go back to the State Ethics Commission for approval. The reply was any change needed would have to go back before the State Ethics Commission. Mr. Merriken found there are two model ethics ordinances that the State Ethics Commission has put out for local jurisdictions such as Hurlock. Mr. Merriken stated he chose the shorter, simpler model. Under State Law municipalities are required to enact an ethics law that is equivalent to the State Law or can be even more restrictive. As part of the process Mr. Merriken had prepared a memorandum for the Council and included a copy of the current ordinance and the draft ordinance. Sections are marked for the Council to view and submit suggestions back to him. Then a draft Ethics Ordinance would be submitted to the State. If the State approves, it comes back to the Town and an ordinance will be prepared at the municipal level. This is one of the unfunded mandates as spoken in County Councilman Rick Price's report. The reason for all of the research

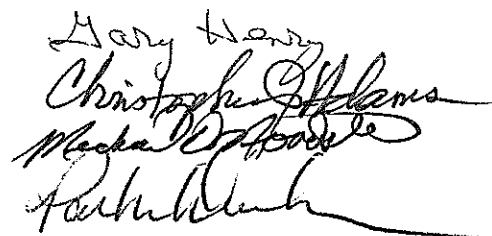
on this topic was due to a request to file an ethic's complaint. Mr. Merriken asked for input from the Council and to discuss this at the next meeting. Mayor Spratt asked if this would be done at an Open Session to which Mr. Merriken replied yes. Councilman Cephas expressed his thanks to Mr. Merriken for all the good work he has done. He wished to say he was the one that complained because he was the only councilmember that had to produce a financial statement before he could run for office. Councilman Cephas did not feel it was proper that the other councilmembers did not have to produce a financial statement. Councilman Cephas had previously asked for the Town to apply for a 100% exemption. The council decided not to do that. Councilman Cephas stated there had been mistakes made by the past Clerk and Attorney Vinson. Councilman Cephas further stated in regards to the Ethics Committee, he feels there should be more than 3 members. His opinion is that the Charter should be amended to include 1 member from each of the 4 districts. Councilman Cephas asked the Council to authorize legal counsel to research the new laws to make sure the Town stays in compliance with the State Ethics Commission. Mayor Spratt stated that what Councilman Cephas was saying is exactly what Mr. Merriken is working on. The Mayor went on to say she doesn't care what happened years ago, and she does not want to sue anyone. She wants to follow the charter at all times and not just when it suits some people. Many procedures have been done as they were done years ago; executive sessions, workshops, etc. Mayor Spratt went on to express her displeasure with some things that had been done by Councilman Cephas. The Mayor adjourned the meeting. Mr. Monroe Quailes stated that the Mayor could not adjourn the meeting. Mr. Merriken advised that Mayor Spratt was the presiding officer and had the authority to adjourn.

Respectively submitted,


John Avery
Clerk/Treasurer

Approved: Mayor Spratt:


Councilmembers:



**MOTIONS AND VOTES BY COUNCIL MEMBERS
OPEN SESSION MEETING
JULY 22, 2013**

MOTION to approve Agenda – Motion by Councilman Nordstrom, seconded by Councilman Adams, and with no discussion, the motion passed with a vote of 5-0.

MOTION to approve Minutes from Open Session Meeting of July 8, 2013 – Motion to approve made by Councilman Durham, seconded by Councilman Henry, and with no discussion the motion passed with a vote of 5-0

MOTION to be able to go to the Town attorney without going through the Town Clerk. Councilman Adams seconded the motion. There was discussion. Councilman Nordstrom suggested the motion be tabled until the Council could see a copy of the contract that was prepared when the current legal counsel was hired. Councilman Cephas agreed to table the motion.